

Doe v. Myspace, Inc. et al

FILED

DEC 13 2006

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

DEPUTY CLERK

A06CA983 SS

MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKJANE DOE, Individually and  
As Next Friend of JULIE DCE, a minor,

Plaintiffs,

v.

MYSPACE, INC., and  
NEWS CORPORATION,

Defendants.

No. 06-cv-7880 (MGC/AJP)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/1/06NOTICE OF MOTION TO TRANSFER

PLEASE TAKE NOTICE THAT Defendant News Corporation by its attorneys, Vinson & Elkins L.L.P., will join in the motion of Defendant MySpace, Inc. pursuant to 28 U.S.C. § 1404(a), on the accompanying Memorandum of Law, before the Honorable Miriam Goldman Cedarbaum, United States District Judge, United States District Court, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 1330 (Courtroom 14A), City of New York, on the 30th day of November, 2006, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order transferring this case to the United States District Court for the Western District of Texas, Austin Division.

*For oral opinion, see record of proceedings.  
Motion granted. The Clerk is directed to transmit  
all papers in this action to the United States  
District Court for the Western District of Texas,  
Austin Division*

A TRUE COPY

J. MICHAEL McMAHON, CLERK

BY

R. Dy  
DEPUTY CLERK

United States District Court

A06CA983 SS

U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:06-cv-07880-MGC  
Internal Use Only

Jane Doe v. MySpace, Inc. et al  
Assigned to: Judge Miriam Goldman Cedarbaum  
Case in other court: State Court-Supreme, 21278-06  
Cause: 28:1332 Diversity: Notice of Removal

Date Filed: 09/29/2006  
Jury Demand: None  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Diversity


**Plaintiff**

**Jane Doe**  
*Individually and as Next Friend of Julie  
Doe, a minor*

represented by **Douglas Holden Wigdor**  
Thompson Wigdor and Gilly  
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ATRUE COPY  
J. MICHAEL McMAHON, CLERK  
BY   
DEPUTY CLERK

V.

**Defendant**

**MySpace, Inc.**

represented by **Christopher V. Popov**  
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**Defendant**

**News Corporation**

represented by **Christopher V. Popov**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Marin**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Susan Denmon Gusky**  
(See above for address)  
**LEAD ATTORNEY**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/29/2006	1	NOTICE OF REMOVAL from Supreme Court, County of Bronx. Case Number: 21278-06. (Filing Fee \$ 350.00, Receipt Number 592398).Document filed by MySpace, Inc.(mbe, ) (Entered: 10/11/2006)
09/29/2006		Magistrate Judge Andrew J. Peck is so designated. (mbe, ) (Entered: 10/11/2006)
09/29/2006		Case Designated ECF. (mbe, ) (Entered: 10/11/2006)

09/29/2006	●2	RULE 7.1 DISCLOSURE STATEMENT. Document filed by MySpace, Inc.(mbe, ) (Entered: 10/11/2006)
10/02/2006	●3	NOTICE of of Supplemental Notice of Removal. Document filed by MySpace, Inc. (mbe, ) Modified on 10/11/2006 (kkc, ). (Entered: 10/11/2006)
10/13/2006	●4	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Dismiss. Document filed by MySpace, Inc. Responses due by 11/1/2006 Return Date set for 11/9/2006 09:30 AM. (Attachments: # <u>1</u> Memorandum of Law in Support of Motion to Dismiss# <u>2</u> Affidavit of Matthew Polesetsky# <u>3</u> Affidavit of Clifford Thau# <u>4</u> Thau Affidavit Exhibit A# <u>5</u> Thau Affidavit Exhibit B# <u>6</u> Thau Affidavit Exhibit C# <u>7</u> Thau Affidavit Exhibit D# <u>8</u> Thau Affidavit Exhibit E# <u>9</u> Thau Affidavit Exhibit F# <u>10</u> Thau Affidavit Exhibit G# <u>11</u> Thau Affidavit Exhibit H# <u>12</u> Thau Affidavit Exhibit I# <u>13</u> Thau Affidavit Exhibit J)(Oran, Ronald) Modified on 10/16/2006 (kg). (Entered: 10/13/2006)
10/13/2006	●5	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Transfer Case. Document filed by MySpace, Inc.. Return Date set for 11/9/2006 09:30 AM. (Attachments: # <u>1</u> Memorandum of Law in Support of Motion to Transfer# <u>2</u> Affidavit of Matthew Polesetsky# <u>3</u> Affidavit of Clifford Thau# <u>4</u> Thau Affidavit Exhibit A# <u>5</u> Thau Affidavit Exhibit B# <u>6</u> Thau Affidavit Exhibit C# <u>7</u> Thau Affidavit Exhibit D# <u>8</u> Thau Affidavit Exhibit E# <u>9</u> Thau Affidavit Exhibit F# <u>10</u> Thau Affidavit Exhibit G)(Oran, Ronald) Modified on 10/16/2006 (kg). (Entered: 10/13/2006)
10/13/2006		***Motion(s) terminated: <u>4</u> MOTION to Dismiss filed by MySpace, Inc., <u>5</u> MOTION to Transfer Case filed by MySpace, Inc. (kg) (Entered: 10/16/2006)
10/16/2006	●	***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Ronald Oran to RE-FILE Document <u>4</u> MOTION to Dismiss. ERROR(S): Filing Error of attachments. Supporting Documents must be filed individually. Event Codes located under Responses and Replies. (kg) (Entered: 10/16/2006)
10/16/2006	●	***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Ronald Oran to RE-FILE Document <u>5</u> MOTION to Transfer Case.. ERROR(S): Filing Error of Attachments. Supporting Documents must be filed individually. Event Codes located under Responses and Replies. (kg) (Entered: 10/16/2006)
10/16/2006	●6	MOTION to Dismiss. Document filed by MySpace, Inc.. Responses due by 11/1/2006 Return Date set for 11/9/2006 09:30 AM. (Oran, Ronald) (Entered: 10/16/2006)
10/16/2006	●7	MEMORANDUM OF LAW in Support re: <u>4</u> MOTION to Dismiss., <u>6</u> MOTION to Dismiss.. Document filed by MySpace, Inc.. (Attachments: # <u>1</u> Affidavit Matthew Polesetsky# <u>2</u> Affidavit Clifford Thau# <u>3</u> Thau Affidavit Exhibit A# <u>4</u> Thau Affidavit Exhibit B# <u>5</u> Thau Affidavit Exhibit C# <u>6</u> Thau Affidavit Exhibit D# <u>7</u> Thau Affidavit Exhibit E# <u>8</u>

		Thau Affidavit Exhibit F# 9 Thau Affidavit Exhibit G# 10 Thau Affidavit Exhibit H# 11 Thau Affidavit Exhibit I# 12 Thau Affidavit Exhibit J)(Oran, Ronald) (Entered: 10/16/2006)
10/16/2006	8	MOTION to Transfer Case. Document filed by MySpace, Inc.. Return Date set for 11/9/2006 09:30 AM. (Oran, Ronald) (Entered: 10/16/2006)
10/16/2006	9	MEMORANDUM OF LAW in Support re: 5 MOTION to Transfer Case., 8 MOTION to Transfer Case.. Document filed by MySpace, Inc.. (Attachments: # 1 Affidavit Matthew Polesetsky# 2 Affidavit Clifford Thau# 3 Thau Affidavit Exhibit A# 4 Thau Affidavit Exhibit B# 5 Thau Affidavit Exhibit C# 6 Thau Affidavit Exhibit D# 7 Thau Affidavit Exhibit E# 8 Thau Affidavit Exhibit F# 9 Thau Affidavit Exhibit G) (Oran, Ronald) (Entered: 10/16/2006)
11/06/2006	10	NOTICE OF APPEARANCE by Douglas Holden Wigdor on behalf of Jane Doe (Wigdor, Douglas) (Entered: 11/06/2006)
11/06/2006	11	RESPONSE in Opposition re: 8 MOTION to Transfer Case.. Document filed by Jane Doe. (Wigdor, Douglas) (Entered: 11/06/2006)
11/06/2006	12	MEMORANDUM OF LAW in Opposition re: 8 MOTION to Transfer Case.. Document filed by Jane Doe. (Wigdor, Douglas) (Entered: 11/06/2006)
11/06/2006	13	RESPONSE in Opposition re: 6 MOTION to Dismiss.. Document filed by Jane Doe. (Wigdor, Douglas) (Entered: 11/06/2006)
11/06/2006	14	MEMORANDUM OF LAW in Opposition re: 6 MOTION to Dismiss.. Document filed by Jane Doe. (Wigdor, Douglas) (Entered: 11/06/2006)
11/08/2006	15	MOTION to Dismiss. Document filed by News Corporation. Responses due by 11/22/2006 Return Date set for 11/30/2006 09:30 AM. (Oran, Ronald) (Entered: 11/08/2006)
11/08/2006	16	MEMORANDUM OF LAW in Support re: 15 MOTION to Dismiss.. Document filed by News Corporation. (Oran, Ronald) (Entered: 11/08/2006)
11/08/2006	17	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by News Corporation.(Oran, Ronald) (Entered: 11/08/2006)
11/08/2006	18	MOTION to Transfer Case. Document filed by News Corporation. Return Date set for 11/30/2006 09:30 AM. (Oran, Ronald) (Entered: 11/08/2006)
11/08/2006	19	MEMORANDUM OF LAW in Support re: 18 MOTION to Transfer Case.. Document filed by News Corporation. (Oran, Ronald) (Entered: 11/08/2006)
11/13/2006	20	REPLY MEMORANDUM OF LAW in Support re: 6 MOTION to Dismiss.. Document filed by MySpace, Inc.. (Oran, Ronald) (Entered: 11/13/2006)



11/13/2006	● <u>21</u>	MEMORANDUM OF LAW in Support re: <u>8</u> MOTION to Transfer Case.. Document filed by MySpace, Inc.. (Oran, Ronald) (Entered: 11/13/2006)
11/22/2006	● <u>22</u>	AFFIDAVIT OF SERVICE. News Corporation served on 10/24/2006, answer due 11/13/2006. Service was accepted by S. Cook. Document filed by Jane Doe. (Wigdor, Douglas) (Entered: 11/22/2006)
11/27/2006	● <u>26</u>	MOTION for Christopher V. Popov to Appear Pro Hac Vice. Document filed by News Corporation, MySpace, Inc. (jco, ) (Entered: 11/30/2006)
11/27/2006	●	CASHIERS OFFICE REMARK on <u>26</u> Motion to Appear Pro Hac Vice in the amount of \$25, paid on 11/27/06, Receipt Number 597942. (jco, ) (Entered: 11/30/2006)
11/27/2006	● <u>27</u>	MOTION for Susan Denmon Gusky to Appear Pro Hac Vice. Document filed by MySpace, Inc. and News Corporation. (jco, ) (Entered: 11/30/2006)
11/27/2006	●	CASHIERS OFFICE REMARK on <u>27</u> Motion to Appear Pro Hac Vice in the amount of \$25, paid on 11/27/06, Receipt Number 597942. (jco, ) (Entered: 11/30/2006)
11/27/2006	● <u>28</u>	MOTION for Michael D. Marin to Appear Pro Hac Vice. Document filed by News Corporation, MySpace, Inc. (jco, ) (Entered: 11/30/2006)
11/27/2006	●	CASHIERS OFFICE REMARK on <u>28</u> Motion to Appear Pro Hac Vice in the amount of \$25, paid on 11/27/06, Receipt Number 597942. (jco, ) (Entered: 11/30/2006)
11/27/2006		***Motion(s) terminated: <u>26</u> MOTION for Christopher V. Popov to Appear Pro Hac Vice filed by News Corporation, MySpace, Inc., <u>27</u> MOTION for Susan Denmon Gusky to Appear Pro Hac Vice filed by News Corporation, MySpace, Inc., <u>28</u> MOTION for Michael D. Marin to Appear Pro Hac Vice. filed by News Corporation, MySpace, Inc. (jco, ) (Entered: 11/30/2006)
11/28/2006	● <u>23</u>	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney Susan Denmon Gusky for News Corporation and MySpace, Inc. admitted Pro Hac Vice. (Signed by Judge Miriam Goldman Cedarbaum on 11/28/06) (dle, ) Modified on 11/29/2006 (dle, ). (Entered: 11/29/2006)
11/28/2006	●	Transmission to Attorney Admissions Clerk. Transmitted re: <u>23</u> Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (dle, ) (Entered: 11/29/2006)
11/28/2006	● <u>24</u>	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney Michael Marin for News Corporation and MySpace, Inc. admitted Pro Hac Vice. (Signed by Judge Miriam Goldman Cedarbaum on 11/28/06) (dle, ) (Entered: 11/29/2006)
11/28/2006	●	Transmission to Attorney Admissions Clerk. Transmitted re: <u>24</u> Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (dle, ) (Entered: 11/29/2006)

11/28/2006	●25	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney Christopher V. Popov for News Corporation and MySpace, Inc. admitted Pro Hac Vice. (Signed by Judge Miriam Goldman Cedarbaum on 11/28/06) (dle, ) (Entered: 11/29/2006)
11/28/2006	●	Transmission to Attorney Admissions Clerk. Transmitted re: 25 Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (dle, ) (Entered: 11/29/2006)
11/29/2006	●29	MOTION for Kurt Brynilde Arnold to Appear Pro Hac Vice. Document filed by Jane Doe. (jco, ) (Entered: 12/01/2006)
11/29/2006	●	CASHIERS OFFICE REMARK on 29 Motion to Appear Pro Hac Vice in the amount of \$25, paid on 11/29/06, Receipt Number 598255. (jco, ) (Entered: 12/01/2006)
11/29/2006	●30	MOTION for Jason Aron Itkin to Appear Pro Hac Vice. Document filed by Jane Doe. (jco, ) (Entered: 12/01/2006)
11/29/2006	●	CASHIERS OFFICE REMARK on 30 Motion to Appear Pro Hac Vice in the amount of \$25, paid on 11/29/06, Receipt Number 598255. (jco, ) (Entered: 12/01/2006)
11/30/2006	●34	MEMO ENDORSEMENT on re: 6MOTION to Dismiss. filed by MySpace, Inc.; ENDORSEMENT; that in view of the grant of the motions to transfer, I do not reach this motion. (Signed by Judge Miriam Goldman Cedarbaum on 11/30/06) (pl, ) (Entered: 12/01/2006)
12/01/2006	●31	MEMO ENDORSEMENT on re: 15 MOTION to Dismiss. filed by News Corporation; Endorsement: in view of the grant of the motions to transfer, I do not reach his motion. (Signed by Judge Andrew J. Peck on 11/30/06) (pl, ) (Entered: 12/01/2006)
12/01/2006		***Motion(s) terminated: 15 MOTION to Dismiss. filed by News Corporation., (pl, ) (Entered: 12/01/2006)
12/01/2006	●32	MEMO ENDORSEMENT on re: 18 MOTION to Transfer Case. filed by News Corporation; the Oral opinion, see record on proceedings, motion granted. The Clerk is directed to transmit all papers in this action to the U.S.D.C. for the Western District of Texas, Austin Division. (Signed by Judge Miriam Goldman Cedarbaum on 11/30/06) (pl, ) (Entered: 12/01/2006)
12/01/2006		***Motion(s) terminated: 18 MOTION to Transfer Case. filed by News Corporation., (pl, ) (Entered: 12/01/2006)
12/01/2006	●33	MEMO ENDORSEMENT on re: 18 MOTION to Transfer Case. filed by News Corporation; the Oral opinion, see record on proceedings, motion granted. The Clerk is directed to transmit all papers in this action to the U.S.D.C. for the Western District of Texas, Austin Division (Signed by Judge Miriam Goldman Cedarbaum on 11/30/06) (pl, ) (Entered: 12/01/2006)
12/05/2006	●	CASHIERS OFFICE REMARK on 25 Order Admitting Attorney Pro



		Hac Vice in the amount of \$75.00, paid on 11/27/2006, Receipt Number 597942. (gm) (Entered: 12/05/2006)
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